

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of

PUBLIC UTILITIES COMMISSION

Instituting a Proceeding to Investigate
Implementing a Decoupling Mechanism for
Hawaiian Electric Company, Inc., Hawaii Electric
Light Company, Inc., and Maui Electric Company,
Limited

DOCKET NO. 2008-0274

PUBLIC UTILITIES
COMMISSION

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**HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT
COMPANY, INC., AND MAUI ELECTRIC COMPANY, LIMITED'S
MEMORANDUM IN OPPOSITION TO
LIFE OF THE LAND'S MOTION TO INTERVENE**

AND

CERTIFICATE OF SERVICE

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MEMORANDUM IN OPPOSITION TO LIFE OF THE LAND'S MOTION
TO INTERVENE**

HAWAIIAN ELECTRIC COMPANY, INC. ("HECO"), HAWAII ELECTRIC LIGHT
COMPANY, INC. ("HELCO"), and MAUI ELECTRIC COMPANY, LIMITED ("MECO")¹
respectfully submit this Memorandum in Opposition to Life of the Land's ("LOL") Motion to
Intervene,² dated November 3, 2008³ ("Motion").

¹ HECO, HELCO and MECO are collectively referred to herein as the "HECO Companies" or "Companies".

² With respect to filings with the Commission, Hawaii Administrative Rules ("HAR") § 6-61-16 provides that: "The original of each document, including applications, complaints, answers, motions, notices, briefs, and amendments shall be signed in black ink by each party or its counsel." The copy of the Motion served upon HECO does not contain a signature block, and does not bear the signature of LOL or its counsel.

³ With respect to the manner in which the HECO Companies were served, the certificate of service to the Motion states:

I hereby certify that I have this date served a copy of the foregoing Motion to Intervene by Life of the Land, in PUC Docket Number 2008-0274, upon the following parties. I have hand delivered the original and 8 copies to the PUC, and two copies to the Consumer Advocate and mailed one copy to each other party listed below.

* * *

The Motion was hand delivered to HECO on November 3, 2008. HAR § 6-61-41(c) states: "An

LOL should not be allowed to intervene as a full party in this docket, as: (1) LOL's intervention would broaden the issues and unreasonably delay this proceeding; (2) LOL has not demonstrated that it would assist in the development of a sound record regarding decoupling; and (3) LOL has not demonstrated that the Consumer Advocate will not adequately represent its interests in decoupling.

LOL has not requested participant status. If LOL is allowed to participate in this docket, however, then LOL should be designated a participant, and not an intervenor party. In addition, LOL's participation should be limited to filing a statement of position, responding to any discovery requests, and responding to questions at an evidentiary hearing (if an evidentiary hearing is held). Moreover, LOL's participation should not be permitted in any settlement agreement between the parties or to affect the schedule of proceedings or the statement of the issues, and LOL should be required to comply with the Rules of Practice and Procedure Before the Public Utilities Commission, Title 6, Chapter 61, HAR (the "Commission's Rules of Practice and Procedure").

I. STANDARD FOR INTERVENTION

Motions to intervene are governed by the Commission's Rules of Practice and Procedure, which pertain to intervention as a party as well as participation without intervention. LOL has labeled its Motion as a "Motion to Intervene" filed pursuant to HAR § 6-61-55. Under HAR § 6-61-55(a), "A person may make an application to intervene and become a party by filing a timely written motion . . . stating the facts and reasons for the proposed intervention and the

opposing party may serve and file counter affidavits and a written statement of reasons in opposition to the motion and of the authorities relied upon not later than five days after being served the motion" HAR § 6-61-22 states: ". . . When the prescribed time is less than seven days, Saturdays, Sundays, and holidays within the designated period shall be excluded in the computation" Five days from November 3, 2008, excluding Saturdays, Sundays and holidays (including Election Day and Veteran's Day), is Wednesday, November 12, 2008. Therefore, this Memorandum in Opposition to the Motion is timely filed.

position and interest of the applicant.”

The general rule with respect to intervention, as stated by the Hawaii Supreme Court, is that intervention as a party to a proceeding before the Commission “is not a matter of right but is a matter resting within the sound discretion of the Commission.” In re Hawaiian Electric Co., 56 Haw. 260, 262, 535 P.2d 1102 (1975); see Re Maui Electric Co., Docket No. 7000, Decision and Order No. 11668 (June 5, 1992) at 8; Re Hawaii Electric Light Co., Docket No. 6432, Order No. 10399 (November 24, 1989) at 5-6.

The Commission exercises its discretion by determining whether or not a movant should be admitted as a party (or as a participant) in a proceeding. HAR § 6-61-55(d) specifically states: “Intervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented.” Re Hawaii Electric Light Co., Docket No. 7259, Order No. 12893 (December 2, 1993).

In addition, the Commission needs to “secure the just, speedy and inexpensive determination of every proceeding,” which is the purpose of the Commission’s Rules of Practice and Procedure as stated in HAR § 6-61-1. However, the “just, speedy and inexpensive determination” of a proceeding cannot be accomplished if the Commission admits every movant as a party.

Based on the standards set forth above, LOL has not justified its intervention as a full party in this docket, and thus the relief requested in its Motion should be denied.

II. LOL’S MOTION TO INTERVENE SHOULD BE DENIED.

In its Order Initiating Proceeding, filed October 24, 2008 in Docket No. 2008-0274 (“Initiating Order”), the Commission opened this docket for the purpose of examining the implementation of “a decoupling mechanism for the HECO Companies that would modify the

traditional model of ratemaking for the HECO Companies by separating the HECO Companies' revenues and profits from electricity sales." Id. at 9, para. 1.

The Initiating Order also recognized that decoupling is, in essence, a form of ratemaking: "Included in the [HCEI Agreement⁴] is a commitment by the HECO Companies to modify their traditional rate-making model by implementing a decoupling mechanism. Generally, decoupling is a regulatory tool designed to separate a utility's revenue from changes in energy sales." Id. at 2.

Further, the Initiating Order recognized the need to expeditiously develop a decoupling mechanism to facilitate the interim decision in HECO's 2009 test year rate case: "[T]he HECO Companies and the Consumer Advocate agreed that '[t]he revenues of the utility will be fully decoupled from sales/revenues beginning with the interim decision in the 2009 Hawaiian Electric Company Rate Case (most likely in the summer of 2009).'" Id. at 4. To that end, the Commission indicated that "to expedite this process, the commission will direct the HECO Companies and the Consumer Advocate to submit to the commission a joint proposal on decoupling that addresses all of the factors identified in their Agreement within sixty days of the date of this Order." Id. at 5.

A. LOL'S INTERVENTION WOULD BROADEN THE ISSUES AND DELAY THIS PROCEEDING.

HAR § 6-61-55(b)(7) requires that a motion to intervene make reference to "[t]he extent to which the applicant's participation will broaden the issues or delay the proceeding." With respect to this requirement, LOL contends that: "We do not seek to muddy the waters, but rather to bring clarity to the issues at hand." Motion at 17. Given the broad array of

⁴ The October 20, 2008 *Energy Agreement Among the State of Hawaii, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and Hawaiian Electric Companies* is referred to as the "HCEI Agreement".

non-decoupling/ratemaking issues raised in the Motion (e.g., biofuels, greenhouse gas emissions, global warming and rising sea levels), LOL's contention is unpersuasive.

As discussed above, the purpose of this docket is to examine the implementation of a decoupling mechanism for the HECO Companies that would modify the traditional model of ratemaking for the HECO Companies by separating the HECO Companies' revenues and profits from electricity sales. However, LOL's Motion does not specifically express an interest in ratemaking. To the contrary, LOL describes its "interest" in this proceeding by stating that its –

position in Commission dockets is not limited to what many people view is the realm of traditional environmentalism: the birds and the bees, land use and toxic pollution. Rather, Life of the Land has a holistic approach which includes: (1) Transparency/Sunshine; (2) Life Cycle Social Impacts; (3) Life Cycle Environmental Impacts; and (4) Life Cycle Financial Impacts[.]

Motion at 12.

Rather than focusing on revenue decoupling, LOL's "holistic approach" to this docket focuses largely on issues not pertinent to decoupling, a decoupling mechanism or ratemaking. Based on the Motion, the issues covered by LOL's "holistic approach" appear to include biofuels, the State's balance of payments, greenhouse gas emissions, and various other issues including "social impacts, environmental justice, the public trust doctrine, and the precautionary principle." See Motion at 14-15. Other issues discussed in connection with LOL's "holistic approach" include the need for and sufficiency of environmental impact statements, see Motion at 13, and the proposition that "[l]abor should work in a safe environmental [sic] and have the right to organize." Id.

None of the foregoing issues are pertinent to the decoupling subject being investigated in this docket. To the contrary, the issues in which LOL claims to be interested generally lie beyond the scope of this docket. Thus, exploring the broad list of issues encompassed by LOL's

“holistic approach” could only serve to unduly broaden the issues in this proceeding.

For example, LOL’s concern that “Climate Change is a serious and immediate crisis”⁵ has no bearing on the technical nuances of decoupling, which relate to severing the economic linkage between utility revenues and sales. Indeed, the only specific ratemaking issue discussed in LOL’s Motion pertains to feed-in tariffs, which are not an issue in this docket, but rather, are being specifically investigated by the Commission in Docket No. 2008-0273.

LOL also states that it “is a member of both the Wheeling Docket and the IRP docket, each of which will be affected by decisions made in this docket.” Motion at 12. Like “Climate Change,” the wheeling of electricity and integrated resource planning (“IRP”) are not pertinent to the decoupling issues to be examined in this docket, and a discussion of those types of issues in this docket would further serve to broaden the issues in this proceeding. Thus, issues related to wheeling of electricity and IRP would be more appropriately addressed in the Feed-In Tariff docket (Docket No. 2008-0273) and Clean Energy Scenario Planning (“CESP”) docket which the parties to the HCEI Agreement agreed should be opened.⁶

Addressing the broad array of general environmental issues discussed in LOL’s Motion (as part of LOL’s “holistic approach”) would also unduly delay the proceeding, the expeditious schedule for which requires, among other things that:

- “Within forty-five days from the date of this Order, the Parties (and intervenors and participants, if any) shall file a stipulated procedural order setting forth the issues, procedures, and schedule to govern this proceeding. The Parties’ stipulated procedural schedule should, to the extent possible, allow the commission to complete its deliberations and issue a decision by the time an interim decision will be issued in Docket No. 2008-0083 (approximately the summer of 2009);”⁷ and

⁵ Motion at 15.

⁶ HCEI Agreement at 37; see Docket Nos. 2007-0084 (HECO IRP-4), 04-0046 (HELCO IRP-3), 04-0077 (MECO IRP-3); November 2008 letter signed by the HECO Companies and the Consumer Advocate.

⁷ Initiating Order at 10.

- “The HECO Companies and the Consumer Advocate shall submit to the commission a joint proposal on decoupling that addresses all of the factors identified in their Agreement within sixty days of the date of this Order.”⁸

B. LOL HAS NOT DEMONSTRATED THAT ITS INTERVENTION WILL ASSIST IN THE DEVELOPMENT OF A SOUND RECORD REGARDING DECOUPLING.

HAR § 6-61-55(b)(6) requires that motions to intervene make reference to “[t]he extent to which the applicant’s participation can assist in the development of a sound record[.]” However, LOL’s Motion does not indicate how LOL could contribute to a discussion on developing and implementing a decoupling mechanism. For example, the Motion does not specifically identify any of LOL’s potential witnesses,⁹ or any experience with decoupling and/or ratemaking issues that might assist in the development of a sound record. In addition, LOL has not discussed or provided any examples of any substantive expertise, knowledge or experience that it may possess regarding decoupling, which as discussed above, involves severing the economic linkage between utility revenues and sales.

Instead, LOL generally states that its Executive Director has “a particular focus on energy policy”; “been described as an ‘energy wonk’”; “produced Community Television shows” on global warming; peer reviewed a report on renewable portfolio standards; and participated in a “fictional lawsuit” pertaining to coastal village destruction in Canada. See Motion at 16.

Once again, the decoupling of revenues from profits is primarily a ratemaking issue. LOL’s stated areas of expertise (i.e., global warming, renewable portfolio standards and rising

⁸ Id. at 9.

⁹ With respect to the fact that LOL has not specifically identified any witnesses, LOL argues that, “In fact, no party has publicly identified any witnesses they will sponsor in this docket.” Motion at 18. This argument is without merit and does not excuse LOL from the requirement of HAR § 6-61-55(b)(6). The requirements for intervention set forth in HAR § 6-61-55 do not apply to existing parties, but rather, to persons making “an application to intervene and become a party”

sea levels) do not demonstrate that LOL will assist in the development of a sound record on decoupling. On balance, LOL's stated areas of expertise are more indicative of a party whose intervention would broaden the issues and delay these proceedings, than of a party whose intervention might assist in the development of a sound record in the technical realm of revenue decoupling.

In fact, in Order No. 23366, filed April 13, 2007 in HECO's 2007 test year rate case, Docket No. 2006-0386 ("Order 23366"), the Commission denied LOL's Motion to Intervene on the grounds that LOL's interests were not reasonably pertinent to the ratemaking issues for which it sought intervention and LOL did not sufficiently show any specialized interest or knowledge in ratemaking. LOL appeared to be primarily concerned with three issues in that proceeding: (1) the Energy Cost Adjustment Clause ("ECAC"); (2) residential time-of-use rates; and (3) residential inclining block rates. In Order 23366, the Commission found:

Upon review, the commission finds that LOL's stated interests and specialized knowledge in promoting sustainable policies, increasing the use of renewable energy, and reducing fossil fuel use and greenhouse gas emissions, are not reasonably pertinent to HECO's request for a general rate increase to justify intervention in this proceeding. In particular, the commission finds that the two issues of residential time-of-use rates and residential inclining block rates are principally rate design issues for which LOL has not sufficiently shown any specialized interest or knowledge that would justify intervenor status in this proceeding. As to the ECAC, although the commission must now consider under Act 162, Session Laws of Hawaii 2006 ("Act 162") whether HECO's proposed ECAC is designed to, among other things, "[p]rovide the public utility with sufficient incentive to reasonably manage or lower its fuel costs and encourage greater use of renewable energy," the commission finds that the Consumer Advocate can adequately represent LOL's interests and develop a sound record on this issue. Accordingly, for all of the above reasons, the commission concludes that LOL's motion should be denied.

Order 23366 at 6-8 (footnotes omitted) (emphasis added).

C. **LOL HAS NOT DEMONSTRATED THAT THE CONSUMER ADVOCATE WILL NOT ADEQUATELY REPRESENT ITS INTERESTS IN DECOUPLING.**

HAR § 6-61-55(b)(5) requires that motions to intervene make reference to “[t]he extent to which the applicant’s interest will not be represented by existing parties[.]” Although the Initiating Order named the Consumer Advocate as a party to this docket,¹⁰ LOL contends that the “Consumer Advocate has agreed to a unified position with the utility” in this case, thus allegedly giving rise to a concern that none of LOL’s stated “issues . . . related to the environment, climate, justice, equity and life cycle impacts have been analyzed or will be represented by any other party.” See Motion at 17-18. This argument is also unconvincing.

Regardless of any allegedly “unified position” taken by the Consumer Advocate, the Consumer Advocate remains “statutorily required to represent, protect, and advance the interest of all consumers.” HRS § 269-51 (emphasis added). Thus, the Consumer Advocate is required to ensure that the decoupling mechanism being investigated in this docket treats all consumers (including LOL’s members) fairly. Given the Consumer Advocate’s resources, including the expertise, knowledge and experience it has gained as a statutorily-named party to countless utility ratemaking proceedings, this is a task to which the Consumer Advocate is well-suited.

In addition, the arguments raised by LOL as to why the Consumer Advocate allegedly might not adequately represent LOL’s interests are not persuasive. The so-called “unified position” mentioned by LOL appears to be a reference to Section 28 of the HCEI Agreement, which states: “The parties agree in principle that it is appropriate to adopt a decoupling mechanism that closely tracks the mechanisms in place for several California electric utilities” HCEI Agreement at 32-33 (emphasis added). Regardless of any agreement “in principle,” the

¹⁰ See Initiating Order at 9.

Consumer Advocate will be entitled to form its own conclusions and independently represent consumers' interests regarding the specific manner in which decoupling is ultimately implemented in connection with these proceedings.

III. LIMITED PARTICIPATION WITHOUT INTERVENTION.

If the Commission finds that LOL should be allowed to participate in this docket, then it may be appropriate to allow LOL limited participation without intervention. The Commission in the past has denied intervenor status, but granted participation status pursuant to HAR § 6-61-56, and allowed the limited participation of persons seeking intervention on specific issues when such persons' interests may not be adequately represented by existing parties, or when such persons may have special knowledge or expertise.

HAR § 6-61-56(a) provides:

The commission may permit participation without intervention. A person or entity in whose behalf an appearance is entered in this manner is not a party to the proceeding and may participate in the proceeding only to the degree ordered by the commission. The extent to which a participant may be involved in the proceeding shall be determined in the order granting participation or in the prehearing order.

For example, the Commission addressed participation without intervention in Re Hawaii Electric Light Co., Docket No. 05-0315, Order No. 22663 (August 1, 2006) ("Order No. 22663"). In that rate case, the Rocky Mountain Institute ("RMI") filed a motion to intervene, which was denied because RMI's stated experience and expertise were not reasonably pertinent to HELCO's request for a general rate increase. The Commission nevertheless granted RMI "limited participant status, pursuant to H.A.R. § 6-61-56, restricted to the issues set forth in its Motion to Intervene, i.e., tiered rate pricing, time of use pricing, energy cost adjustment charge, net energy metering and the renewable energy and energy efficiency program for affordable homes." Order No. 22663 at 8 (emphasis added). In addition, the Commission stated that

“unless the commission decides otherwise at a future date, RMI’s participation is limited to responding to any discovery requests, filing a statement of position, and responding to questions at any evidentiary hearing.” Id. at 8-9.

The Commission added:

RMI is cautioned that it must follow all applicable rules of the commission, and that the commission will reconsider RMI's participation in this docket if, at any time, the commission determines that it is unreasonably broadening the pertinent issues raised in this docket or is unduly delaying the proceeding.

Id. at 9.

In addition, in Re Hawaiian Electric Light Co., Docket No. 99-0207, Order No. 17532 (February 10, 2000) (“Order No. 17532”), the Commission denied the attempt of Citizen Utilities Company d/b/a The Gas Company (“TGC”) to intervene in HELCO’s rate case. However, the Commission granted TGC participant status, limited to HELCO’s proposed Standby Rider A.

The Commission stated:

the commission believes that TGC’s limited input as to the effects of Rider A on self-generators that use gas as a fuel source may prove useful. Therefore, consistent with HAR § 6-61-56(a), the commission will grant TGC participant status, limited to this narrow issue;¹¹ provided that TGC’s participation does not in any manner duplicate the efforts of the Consumer Advocate in this regard. If, at any time during the commission’s review, it is concluded that TGC’s efforts duplicate those of the Consumer Advocate’s, the commission will reconsider TGC’s further participation in this docket.

Order No. 17532 at 5-6 (footnote 6 omitted). The Commission issued similar orders in Re Hawaii Electric Light Co., Docket No. 6432, Order No. 10399 (November 24, 1989);¹² and Re

¹¹ In a footnote, the Commission added:

Unless ordered otherwise, TGC’s participation will extend no further. We also make clear that as part of its on-going review of HELCO’s request for a general rate increase, the commission, on its own motion or otherwise, may later decide to separate Rider A from this rate proceeding. If so, TGC’s participation in this rate proceeding will terminate. Finally, we note that in two dockets currently pending before the commission, Hawaiian Electric Company, Inc., seeks to implement a standby charge on an interim (Docket No. 99-0105) and permanent basis (Docket No. 96-0356).

¹² In Order No. 10399, the Commission denied the amended application to intervene of Puna Community Council, Inc. (“PCC”) in a HELCO rate case, but granted PCC participation status, subject to the

Maui Electric Co., Docket No. 7000, Decision and Order No. 11668 (June 5, 1992).¹³

LOL has not requested participant status. If LOL is allowed to participate in this docket, however, then LOL should be designated a participant, and not an intervenor party. In addition, LOL's participation should be limited to filing a statement of position, responding to any discovery requests, and responding to questions at an evidentiary hearing (if an evidentiary hearing is held). Moreover, LOL's participation should not be permitted in any settlement agreement between the parties¹⁴ or to affect the schedule of proceedings or the statement of the issues, and LOL should be required to comply with the Commission's Rules of Practice and Procedure.

conditions that (1) PCC's participant status would be "limited to the issue of the specific impact of HELCO's proposed rate structure on the ratepayers of the Puna district who are in the lower income brackets", and (2) "PCC shall participate in the proceedings and present relevant documents and materials and testimony of witnesses through the Consumer Advocate." Order No. 10399 at 5-6. PCC had sought to intervene on the basis that HELCO's proposal to increase its rates would seriously impact the ratepayers of the Puna district. PCC's only attempt to distinguish itself from the general public was the allegation that HELCO's proposed rate increase would seriously impact Puna ratepayers because most of them were in the lower income brackets and tend to use less power. PCC also argued that the Consumer Advocate would not adequately represent the interests of the Puna district ratepayers.

¹³ In Decision and Order No. 11668, the Commission denied intervention, but allowed limited participation to seven low-income residents through its attorneys, the Legal Aid Society of Hawaii (collectively "Legal Aid"), in a MECO rate case. The low-income residents, through Legal Aid, sought to intervene on the alleged basis that they would not be adequately represented by the Consumer Advocate. Decision and Order No. 11668 at 3. In addition, Legal Aid informed the Commission that it could further the development of the record as it had access to certain experts and resources not available to any other party. The Consumer Advocate supported Legal Aid's involvement in the proceeding. The Commission denied Legal Aid's Motion to Intervene, and found that the Consumer Advocate would protect Legal Aid's interest. However, the Commission was impressed by Legal Aid's statement of expertise, knowledge and experience, and thus granted Legal Aid participant status limited to the issue of the specific impact of MECO's proposed rate structure and rate design on ratepayers in the lower income brackets.

¹⁴ See, e.g., the Stipulated Regulatory Schedule attached as Exhibit A to Order No. 22884, issued September 21, 2006 in Docket No. 2006-0084, page 2, wherein the Commission limited a participant's participation by the condition that the participant's assent to any settlement agreement between all or any of the parties was not required:

To the extent settlement discussions occur collectively amongst the Parties, the Participant shall receive notice and have the opportunity to participate in such settlement discussions, provided that the assent of the Participant shall not be required to any settlement reached by all or any of the Parties.

IV. CONCLUSION

LOL has not demonstrated an expertise in decoupling or utility ratemaking. In addition, LOL has not demonstrated that the Consumer Advocate would not adequately represent its interests. Instead, LOL's Motion alludes to an alleged interest in a wide range of issues which are not pertinent to decoupling or ratemaking, but rather, are beyond the scope of this docket. Addressing the broad array of issues discussed in LOL's Motion would unduly delay and broaden the scope of this proceeding. Based on the foregoing, the HECO Companies respectfully request that LOL's Motion to Intervene be denied.

LOL has not requested participant status. If LOL is allowed to participate in this docket, however, then LOL should be designated a participant, and not an intervenor party. In addition, LOL's participation should be limited to filing a statement of position, responding to any discovery requests, and responding to questions at an evidentiary hearing (if an evidentiary hearing is held). Moreover, LOL's participation should not be permitted in any settlement agreement between the parties or to affect the schedule of proceedings or the statement of the issues, and LOL should be required to comply with the Commission's Rules of Practice and Procedure.

DATED: Honolulu, Hawaii, November 12, 2008.



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HAWAII ELECTRIC LIGHT COMPANY, INC., and
MAUI ELECTRIC COMPANY, LIMITED

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing HAWAIIAN ELECTRIC COMPANY, INC., HAWAII ELECTRIC LIGHT COMPANY, INC., AND MAUI ELECTRIC COMPANY, LIMITED'S MEMORANDUM IN OPPOSITION TO LIFE OF THE LAND'S MOTION TO INTERVENE, together with this CERTIFICATE OF SERVICE, as indicated below by hand delivery and/or by mailing a copy by United States mail, postage prepaid, to the following:

Hand Delivery	U.S. Mail	
X		Catherine Awakuni, Executive Director Department of Commerce and Consumer Affairs Division of Consumer Advocacy 335 Merchant Street, Room 326 Honolulu, Hawaii 96813
	X	Randall J. Hee, P.E. President and CEO Kauai Island Utility Cooperative 4463 Pahe'e Street, Ste. 1 Lihue, HI 96766-2000
	X	Timothy Blume Michael Yamane Kauai Island Utility Cooperative 4463 Pahe'e Street, Ste. 1 Lihue, HI 96766
X		Kent D. Morihara, Esq. Morihara Lau & Fong LLP 841 Bishop Street, Ste. 400 Honolulu, HI 96813

	X	Henry Q Curtis Vice President Life of the Land 76 North King Street, Ste. 203 Honolulu, HI 96817
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DATED: Honolulu, Hawaii, November 12, 2008.



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